

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDRE TOLIVER,

No. C 07-2744 WHA (PR)

Petitioner,

**DENIAL OF MOTION FOR
APPOINTMENT OF COUNSEL**

v.

A. J. MALFI, Warden,

Respondent.

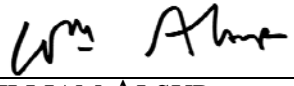
This is a habeas case filed by a state prisoner. Petitioner has requested appointment of counsel.

The Sixth Amendment's right to counsel does not apply in habeas corpus actions. *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain representation."

Petitioner has presented his claims adequately in the petition, and they are not particularly complex. The Court determines that the interests of justice do not require appointment of counsel.. The motion (document number 14 on the docket) is **DENIED**.

IT IS SO ORDERED.

Dated: October 22, 2007.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE